REMARKS

Claims 1-38 are pending in the application. Claims 1-12, 19-23, 26-34, 37 and 38 stand rejected. Claims 1, 19, 26, 28, 29, 30 and 37 are being amended in the Claim Listing above. Claims 13-18, 24, 25, 35 and 36 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No new matter is being introduced by way of the amendments.

In part 2, beginning on page 2 of the Office Action at hand, Claims 1-12, 19-23, 26-34 and 37-38 were rejected under 35 U.S.C. 102(e) as being anticipated by Albert et al. (U.S. Patent No. 6,650,641) hereafter "Albert."

As part of a method of determining a network topology, Applicants disclose, and claim in claim 1, as now amended, "... monitoring the communications beyond the translating device to infer partitioning of servers behind the translation device into equivalence sets relative to the network topology induced by the network address translation." A description supporting Claim 1 is found in the specification as originally filed at least on page 3, lines 10-14.

In contrast, Albert discloses, in column 28, lines 20-27:

[s]ervice manager 1110 selects one of the hosts using a load balancing algorithm. In one embodiment, a round robin load balancing algorithm is used. In other embodiments, load balancing algorithms that select the fastest available host, a host with the least number of connections, or a host determined by a feedback mechanism that measures the performance of the host to be the best host to handle the connection.

In this way, Albert provides a method of using load balancing algorithms to select an available host meeting a predefined performance criteria. However, these load balancing algorithms do not monitor communications beyond a translating device, infer a partitioning of servers, use equivalence sets relative to a network topology induced by network address translation, or combine any of these elements. Further, Applicants believe additional distinguishing features exist between Applicants' invention as recited in the claims and Albert's embodiment in Fig. 11. Specifically, Fig. 11 of Albert discloses a service manager 1110, as described above, that uses load balancing algorithms beyond a translating device. Thus, even if

these load balancing algorithms disclose partitioning of servers, the partitioning of servers would occur <u>beyond</u> the translating device rather that <u>behind</u> the translating device.

Therefore, Applicants respectfully submit Albert does not anticipate all of the limitations of Applicants' claim 1, as now amended ("monitoring the communications beyond the translating device to infer partitioning of servers behind the translating device into equivalence sets relative to the network topology induced by the network address translation").

Accordingly, Applicants respectfully submit that claim 1, as now amended, should be allowable over Albert under 35 U.S.C. 102(e) and that the rejection is improper and should be withdrawn.

Independent Claims 19, 26, 28, 29, 30 and 37, as now amended, include similar limitations as now amended Claim 1 and, therefore, should be allowed for similar reasons over Albert under 35 U.S.C. 102(e).

For at least the same reasons, dependent Claims 2-18, 20-25, 27 and 31-36 should be allowable over Albert under 35 U.S.C. 102(e) for at least the same reasons as the base claims from which they depend.

Information Disclosure Statement

A Supplemental Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims (claims 1-38) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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